promoting environmental stewardship

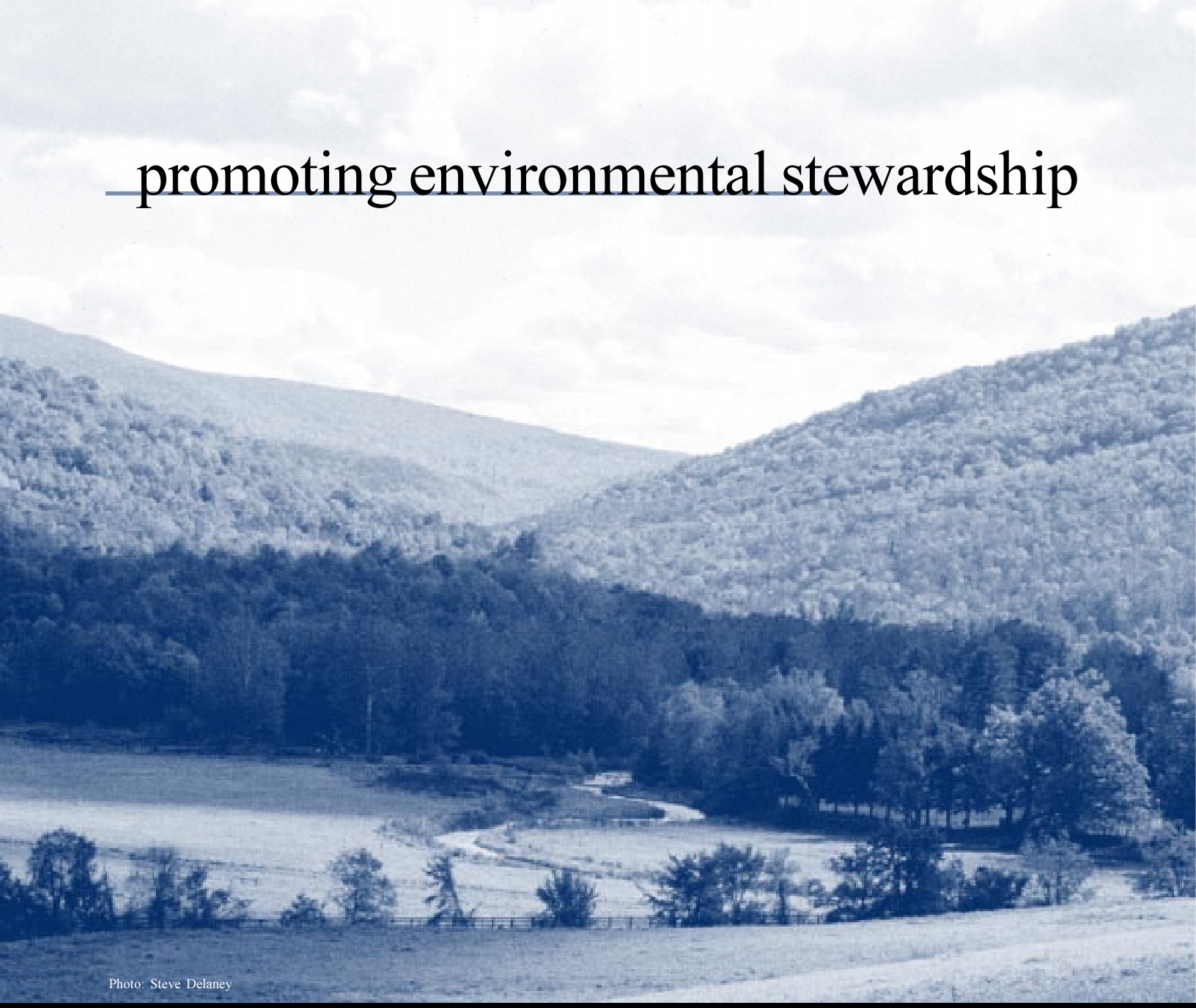

Photo: Steve Delaney

Ensuring compliance with environmental laws and regulations is a foundation of our work. Whether it's a large corporate polluter or a small municipal garage, EPA New England will never let anyone shirk their responsibilities for environmental protection and will use all means possible to bring civil and criminal violators to justice. Our commitment to strong enforcement was clearly evident in our 1999 enforcement results, which included more judicial referrals and more administrative penalty actions than at any time in the past eight years.

But we also realize that legal action is but one in an armory of tools to reach our ultimate goal of a cleaner and safer New England. One of our newer tools is to nurture and promote an environmental ethic in corporate America, an increasingly important activity as pollution sources become more diffuse and more difficult to regulate. We're also putting more emphasis on integrated strategies that link enforcement with compliance assistance tools.

And, lastly, we're targeting specific sectors where compliance is particularly nettlesome, and specific geographic areas where environmental improvements would provide an especially big public benefit. With all of these tools, we are committed to finding innovative solutions that will combine strong environmental protection with smarter, more efficient regulation.

Tackling Tough Cases

EPA New England and EPA's Criminal Investigation Division have invested significant resources in large complex cases with important environmental benefits for our natural resources. A few of the cases are particularly noteworthy for advancing our protection of estuaries, air quality and drinking water supplies. Among those successes:

•Northeast Utilities pleaded guilty last year to 25 felony counts for widespread environmental and nuclear violations at two of its power plants in Connecticut. The criminal violations, including the discharge of toxic chemicals into Long Island Sound and submitting misleading monitoring data, resulted in $6.7 million in fines, the largest criminal environmental fine in Connecticut history.

•Saybolt Inc., a petroleum testing laboratory, was convicted for falsifying test results on reformulated gasoline and home heating oil, thereby undermining efforts to achieve clean air. The case was notable both for its $4.9 million fine - the largest criminal environmental fine in Massachusetts history - and for signaling increased scrutiny of the petroleum testing and inspection industry.

•Pfizer Inc., a pharmaceutical manufacturer based in Groton, CT, agreed to settle a civil enforcement action alleging violations of hazardous waste, clean water and right-to-know requirements. Under the settlement, Pfizer paid a penalty of $625,000, and will spend approximately $150,000 on two environmental projects aimed at improving hazardous waste management at schools and universities.

Sector-Based Strategies

A key component of our compliance strategy is integrating enforcement, assistance and pollution prevention in order to maximize environmental results. We're focusing these efforts on specific sectors where non-compliance is pervasive and the environmental benefits would be highest.

Among the sectors we've targeted is the region's universities and colleges. Upon noticing a widespread pattern of non-compliance during inspections, we decided last year to launch a coordinated enforcement/compliance assistance effort aimed at reaching all 258 universities and colleges in the region. We kicked off the initiative with a simultaneous announcement of a major enforcement action against the University of New Hampshire and mailing of enforcement warning letters to all of the region's university presidents. Apparently our message has been heard: more than 300 participants attended two assistance workshops we co-sponsored last year for university environmental managers.

We're also applying this targeted approach to the metal and wood finishing industries, auto body and repair shops and public agencies. Our auto sector initiative has relied heavily

Consent Decree with General Electric

Berkshire County and the City of Pittsfield have long struggled with the legacy of PCBs left by General Electric. To address this serious public health and environmental problem, EPA New England steadfastly pursued a negotiated agreement for a comprehensive cleanup of Pittsfield and the Housatonic River. Last fall, those efforts paid off.

After two years of intense negotiations, EPA, GE and various other parties signed a landmark settlement that will assure the cleanup of the Housatonic, GE's 250-acre property in Pittsfield, Silver Lake and floodplain properties along the river. Spelled out in a proposed Consent Decree lodged in federal court, the settlement also requires GE to fund a $21 million natural resource damage package. GE has also agreed to spend $45 million for the cleanup and revitalization of its Pittsfield property - among the largest investments of its kind in the nation. The settlement with GE has received widespread notoriety both as a mediation model for complex cleanup cases and for showing the benefits of strong public involvement in cleanup decisions.

1998
7,500th Underground Storage Tank Cleanup
completed in New England.

July 1998
Designation of 14 American Heritage Rivers,
including the Blackstone, Woonasquatucket and Connecticut Rivers in New England.

1998
350th Emergency Removal Action
completed in New England.

June 1998
Transportation Equity Act For the 21st Century, TEA-21,
provides record levels of funding to continue rebuilding highways without compromising environmental protection.

on technical assistance and pollution prevention. In just the past year, we've held 32 workshops, conducted 88 on-site visits and sent 45,000 mailings targeted at the auto industry.

We've also expanded assistance programs for public agencies. One assistance program aimed at DPW facilities in New England reached about 240 municipal officials. In a survey of attendees after several workshops in Massachusetts, 88 percent indicated greater awareness of environmental problems, 50 percent took some kind of compliance related corrective action and 25 percent implemented a pollution prevention activity. To make sure public agencies are complying, we've continued our aggressive campaign of inspections and enforcement actions. In just the past six years, we've taken more than 300 enforcement actions against municipal, state and federal agencies for environmental non-compliance.

Fostering Creative Solutions

By focusing more attention on the environmental outcomes of our work, we've learned that creative alternatives to traditional regulatory approaches can often yield far better environmental results at less cost. Three examples of this are worth noting:

•Tackling CSOs in New England – Finding innovative solutions will be critical in tackling one of New England's biggest remaining water quality challenges—a requirement that cities and towns eliminate thousands of miles of combined sewer overflow pipes. Built to carry both sewage and storm water, CSOs overflow directly into our waterways after heavy rains, causing widespread pollution problems. Cities from Hartford to Providence to Chicopee have all been ordered to eliminate or treat hundreds of millions of gallons of untreated sewage from these combined sewers that discharge into our rivers. EPA New England recognizes the significant financial burden these CSO abatement programs will place on communities—about $4 billion in New England alone—and is working with communities to develop cost effective plans. EPA's CSO agreement with Manchester, NH is a good example of what we're trying to accomplish. The agreement, which has received the enthusiastic support of environmental groups as well as state and local leaders, requires the city to invest $52 million in the first phase of a project to control CSOs along the Merrimack River. By allowing the CSO work to be done in phases, EPA was able to negotiate another $5.6 million in other environmental improvements, including nonpoint pollution controls along the river, the purchase of important wetland areas in the city and a program to reduce childhood asthma and lead poisoning.

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•The University Labs XL Project – Project XL, which stands for "eXcellence in Leadership," is a national EPA program designed to experiment with new regulatory schemes that could achieve better environmental results at less cost. With seven XL projects in various stages of implementation, EPA New England has been a national leader in this effort. One of our more exciting projects is the New England University Labs XL Project aimed at finding more efficient ways of regulating and managing hazardous waste at university laboratories. Our University Labs project will give the three participating universities - Boston College, U-Mass Boston and the University of Vermont - more latitude in managing hazardous waste materials which, in turn, will better enable them to boost recycling efforts and slash the amount of hazardous waste they generate. A key piece of the project is the adoption of a new site-specific rule, applicable only to the three universities, that allows changes in the federal requirements for storing and handling hazardous

September 1998
EPA Adopts Rule calling for 22 eastern states to substantially reduce nitrogen oxide emissions to address ozone transport problems.

April 1999
Charles River Receives an Improved Grade of "B-" on Water Quality Conditions.

February 1999
EPA Launches a Smart Growth Initiative to combat sprawl in New England.

July 1999
Edwards Dam is Removed from the Kennebec River in Maine - the first hydroelectric dam in the country ordered removed by the U.S. government due to environmental protection concerns.

waste materials. The project's goal is to increase recycling by 20 percent and cut the amount of waste generated by 10 percent.

• StarTrack - Our StarTrack Program has been enormously successful in encouraging companies and agencies to voluntarily assess and improve their environmental performance. Fourteen companies and organizations in New England are currently participating in StarTrack. All have agreed to audit their environmental management and compliance performance each year, prepare and publish a comprehensive environmental performance report annually, and have their audit results reviewed and certified by an independent third party every three years.

STARTRACK
Certified Environmental Performance

StarTrack Participants in 1999

BOC Gases
Clairol
Dexter Corporation
E G & G Electro-Optics
Environmental Soil Management, Inc.
GAF Materials Corporation
International Paper Company-Androscoggin Mill
Sanders, A Lockheed Martin Co.
Spalding Sports
Texas Instruments, Materials & Control Group
Toray Plastics
U.S. Coast Guard Air Station
U.S. Postal Service
Unilever HP

Supplemental Environmental Projects (SEPs)

EPA New England has a strong commitment to negotiating innovative environmental projects - known as Supplemental Environmental Projects (SEPs) - in settling enforcement cases with violators. Last year, we negotiated 18 SEPs that funded more than $7.7 million of projects, including a mercury reduction program at Massachusetts hospitals and a statewide lead abatement initiative for Rhode Island daycare centers. Under any settlement that includes a SEP, the violator has to pay a cash penalty and correct the violation in addition to performing projects that will produce concrete environmental and human health benefits. Among the SEP projects negotiated last year:

• Tackling Mercury Emissions

In settling a case against a North Andover-based trash incinerator, Massachusetts Refusetech, EPA allowed the company to spend $91,000 to reduce mercury from the waste stream at a dozen hospitals and health clinics north of Boston. Such reductions will, in turn, reduce mercury emissions from area incinerators. The project includes a specific goal of substantially reducing mercury-containing products used in hospitals and health care clinics within one year. The company will work with hospitals and clinics to promote the use of mercury-free equipment and to recycle mercury-containing items that cannot be replaced.

• Exploring Innovative Technologies & Restoring Tidal Marshes

In settling an enforcement case involving violations at multiple facilities around the region, the United Technologies Corporation (UTC) agreed to spend more than $500,000 over the next two years to perform two environmental improvement projects. One project involves a full-scale test of an environmentally-friendly technology that could replace current chrome-plating operations at a manufacturing plant in Connecticut. If successful, the technology could be used in other chrome-plating industries as well. The company also agreed to work with The Nature Conservancy to restore 200 acres of tidal marsh along the Connecticut River in Old Lyme, CT. The agreements stem from independent environmental audits completed by UTC under terms of an earlier enforcement settlement and reflect major environmental strides made by the company in the 1990's.

October 1999
U.S. vs. Morelite Development and Construction, Inc. of New Haven, CT. results in nine criminal convictions stemming from Mexican immigrants being ordered to remove large quantities of dry asbestos, which was later dumped in poor New Haven neigborhoods.

January 2000
EPA New England Orders the National Guard to Clean Up Unexploded Ordinances and other contamination at the Massachusetts Military Reservation.

2000

October 1999
EPA New England Finalizes Proposed Consent Decree requiring General Electric to undertake cleanup of PCB contamination in the Housatonic River and Berkshire County.

February 2000
Centredale Manor and Portions of Woonasquatucket River Added to Superfund NPL, the 100th NPL site in New England.